Land Use Planning - Opportunities for Public Input

Land use is constantly changing and decisions regarding where and how these changes occur will be an ongoing necessity. Members of the public can play an important role in aiding the decision-making process.

Importance of Land Use Decision Making

Land use is an issue that impacts everyone in a community. The way that land is used is a key factor in how far you must travel to get to the store, work, school or medical facilities. It plays a key role in the amount of traffic in your neighborhood. It directly influences the sights, sounds and smells that surround your residence. It affects your ability to make and grow a livelihood, and the likelihood for a community to be economically vibrant. Land uses impact the natural environment. As such, land uses (and land use regulations) that are conceived and developed without any consideration of the surrounding community and corresponding stakeholders can have far reaching and long-lasting implications.

The task of planning for and guiding desirable land development practices falls to elected and appointed officials; the specifics of which vary by state. In any case, land use planning and regulations should not and cannot occur without opportunities for public input.

Public participation and input are a critical part of land use planning. The information gathered can help direct officials in developing policies and plans that will retain or create a desirable community character. Public feedback can also help provide insight into decisions about projects or proposals such as housing subdivisions or commercial development.

In order to effectively provide timely and relevant input, members of the public should become educated as to which officials have a role in land use planning and decision-making. In addition, it is important that these members know the ways by which land use is being planned or regulated, and how their public input can connect with the decisions surrounding such plans and regulations. People need to know the opportunities they have for input into the creation and implementation of land use regulation. Such knowledge can help them more effectively engage in land use planning processes.

Land Use Planning Tools

Communities have planning tools available to them that will aid in producing well planned, compatible and coordinated land use patterns. Of these tools, three are most commonly used for land use planning and management - comprehensive plans, subdivision and land development ordinances, and zoning ordinances.

A comprehensive plan is a document that sets the course for the future of a community. It is developed by obtaining and analyzing data as well as receiving input from stakeholders, including members of the public. A comprehensive plan looks not only at current and future land use, but other interrelated components of the community as well. These components include items such as transportation, housing and natural resources.

In Pennsylvania, and in many other states, a comprehensive plan serves as a guidance document as opposed to a regulatory document. As such, it includes recommendations for future municipal actions related to items such as community facilities, housing, natural resource protection and land use. The plan may recommend future regulatory ordinances or provide base data for an ordinance. Comprehensive plans can also serve as a basis for private decisions by showing expected and desired growth areas.

A subdivision and land development ordinance is a land use regulatory document. While it does not control where land uses can go, it does regulate the layout and design of subdivisions and certain types of development. It addresses items such as road and access design, the availability of adequate water and sewer service, and stormwater
management.

A zoning ordinance is also a regulatory document. Among other community aspects, this ordinance regulates where land uses can or cannot go within a community (commercial buildings, industrial buildings, residential units, landfills, etc.). It also regulates items such as lot density (how many dwelling units per acre), setbacks (how far a structure must be from a road, lot line or other structure) and open space (how much of a property cannot be developed).

Planning Jurisdiction

For land use planning to occur, someone must be given the authority to undertake the necessary planning tasks. Someone also must be designated to follow-up on plan implementation and to enforce regulations. How these roles are filled is determined at the state level and is accomplished through each state's own enabling legislation. Such legislation spells out which level(s) of government are empowered to conduct land use planning, and the overall rules by which these governments can practice it.

For Pennsylvania, the Pennsylvania Municipalities Planning Code provides the authority and guidelines for land use and other types of planning (with the exceptions of Philadelphia, Pittsburgh, and Philadelphia County which are under different statutes). Under this law, local municipalities (townships, boroughs, cities, towns) and counties are given the ability to create and enforce subdivision and land development ordinances and zoning ordinances. They also are granted the ability to create and adopt comprehensive plans.

It's important to note that under the Pennsylvania Municipalities Planning Code, a local municipal subdivision and land development ordinance or zoning ordinance takes precedence over any similar type of ordinance that the county in which they are located has adopted. As such, if a local municipality has adopted its own subdivision and land development ordinance, and the county in which they are located has adopted its own subdivision and land development ordinance, the local municipal ordinance would have jurisdiction, not the county.

If a local municipality has not adopted their own subdivision and land development ordinance and the county in which they are located has, the local county ordinance would have jurisdiction. If neither the local municipality nor the county has adopted a subdivision and land development ordinance, subdivision and land development activity in that municipality is not regulated.

The same scenario would apply for zoning. If both the local municipality and county have zoning ordinances, the local municipal zoning has jurisdiction. If there is county zoning but no local zoning, the county zoning has jurisdiction. If there is no local or county zoning, there is no control over land use location and other zoning related standards in the local municipality.

Roles of Elected and Appointed Officials

Just as the legislation for planning authority is enacted at the state level, the types and roles of planning entities are also determined at the state level. In Pennsylvania for example, elected officials have the option of creating a planning agency to undertake many of the land use planning responsibilities for their municipality or county. This can be in the form of a planning commission and/or planning department, or a planning committee. The responsibilities of a planning agency can be broad or focused, depending on the authorization given by the elected officials. For example, some of the duties of a planning commission can include: preparation of comprehensive plans, preparation and administration of the subdivision and land development ordinance, holding public meetings or hearings, preparation of the zoning ordinance, creation of land use surveys and preparation of environmental studies.

Elected officials have a number of land use roles that are specifically designated to them. One such role, if desired, is appointing members of planning related bodies or positions. In addition to the planning agency, this includes the zoning officer and zoning hearing board (provided the municipality has adopted a zoning ordinance).

A zoning officer administers the zoning ordinance. Activities related to these duties include reviewing/granting permit applications and enforcing zoning standards.

One of the primary duties of the zoning hearing board is approving or denying variances to the zoning standards. Another key duty is hearing and acting on property owner appeals that result from a determination made by the zoning officer.

If a municipality has a subdivision and land development ordinance, elected officials have the authority to retain approval authority for subdivision and land development applications (as opposed to designating that authority to their planning agency).

Elected officials are the ultimate authority for the adoption or amendment of land use ordinances. While the planning agency can provide recommendations, it is the elected officials that make the final decision to adopt, or not adopt, regulations pertaining to land use.

Public Input for Land Use Planning

There are several avenues through which members of the public can provide input into planning efforts and decisions. In some cases, there are mandated for public notification and the corresponding opportunity for comment. In others, officials go above and beyond the mandated requirements and provide additional opportunities through surveys, advisory committees, educational sessions and activities.
Development, Adoption and Enforcement of Land Use Plans and Regulations

Certain land use activities require publicly advertised meetings or hearings. For example, when developing or revising a comprehensive plan, subdivision and land development ordinance, or zoning ordinance, municipalities in Pennsylvania are required to hold advertised public meetings and/or hearings which provide an opportunity for public comment.

Often additional public outreach is included in efforts to create or revise plans and regulations. These can be in the form of newsletters, press releases, blogs, or web articles. If your municipality or county has a website, planning updates and information are often included on their sites as applicable.

In some cases of ordinance enforcement, a public notice is also required when a request is made for a variation from ordinance standards. A variance request from a zoning hearing board is an example.

Elected or Appointed Board Meetings

Members of the public can attend regularly-scheduled elected and appointed official meetings to learn about issues and provide input. Often the reason that members of the public attend a municipal/county meeting relates to a proposed controversial development or ordinance. Such attendance does fit within the purpose for public meetings and discourse and can be an important part of the land use decision-making process.

Members of the public should consider developing a better understanding of the land use planning and decision-making processes that apply to their community before they are confronted with a project or issue that they deem objectionable. Ideally, the time for involvement and input is at the planning stage. This is when policies and regulations are being developed that reflect the desired future of the community, and to the greatest extent possible, avoid non-compatible or poorly functioning development. Ideally, the policies and regulations adopted by municipalities (primarily the land use planning tools just described) provide "blueprints" for what the community will eventually become, and these documents prescribe the path for how lands within the municipality will develop.

Considerations for Public Input

When preparing for or providing input for land use issues, consider the following:

- Take advantage of various opportunities to learn about and/or provide input for land use plans and regulations - respond to surveys, attend outreach/public meetings, and read newsletters.
- Create or expand dialogue about land use issues with a variety of individuals or organizations such as elected and appointed officials, neighbors, professional and personal organizations, family and friends.
- Become aware of what land use plans and regulations are in effect in your community. Contact your county planning office and/or local elected officials for related information.
- When considering land use related issues, consider not only potential personal impacts, but those on other community stakeholders as well.
- Attend regularly scheduled meetings of elected and appointed officials to become aware of community issues and planning processes. While there, share your observations of community issues. Office visits and other means of communication (phone calls, emails, etc.) can also be used to ask questions. Take these opportunities to request information or express comments.
- Be aware that there are time limits set for decisions on many land use related permits, regulations and processes. Expressing support for or concerns over a project/policy after relevant decisions have already been made is a missed opportunity. Help guide officials in shaping the future of the community before decisions are made. Contact the elected officials or planning agency if you are unsure about time frames and options for input.
- Volunteer to be on a planning related committee or board. As a board member, you can represent and protect the overall interests of all community members.

Land use is constantly changing and decisions regarding where and how these changes occur will be an ongoing necessity. Opportunities exist for members of the public, if they are willing to take them, to provide their insights into what factors should be considered in those decisions.

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